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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Peter Knoll

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EXAMINER

BLOUNT, ERIC

ART UNIT

PAPER NUMBER

2612

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,131	Applicant(s) KNOLL, PETER	
	Examiner ERIC M. BLOUNT	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12 and 14-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-33 is/are allowed.
- 6) ☒ Claim(s) 12, 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 27, 2009 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 12, 14, 15 and 17-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishii et al [US 7433496 B2].

With regard to **claim 12**, Ishii discloses an apparatus for improving a visibility in a motor vehicle, comprising:

- at least one infrared-sensitive image sensor system (10) for acquiring an optical signal from a surrounding environment of the motor vehicle (column 2, lines 1-30);

- at least one signaling arrangement (display 30) for producing an item of driver information (see Figures; driver information is interpreted as any information that is displayed to the driver.); and
- at least one processing unit (20) for controlling the at least one signaling arrangement as a function of the acquired optical signal (column 6, line 62 - column 7, line 22), wherein:
- the at least one processing unit includes an arrangement for recognizing a course of a roadway from at least the optical signal, and for controlling the at least one signaling arrangement for producing the item of driver information as a function of the recognized course of the roadway (column 3, lines 43 -64 and Figures 7-12; Ishii shows that the course of the roadway is detected and the image processor uses the detected course to provide a representation of the course of the roadway on the display.); and
- the at least one processing unit includes an arrangement for recognizing at least one object, from at least the optical signal, and for controlling the at least one signaling arrangement as a function of a position of the at least one recognized object in relation to the course of the roadway (column 3, lines 36 – column 4, lines 17 and column 7, lines 60 – column 8, lines 2; Figures 7-12; Ishii shows that the display is controlled to show a pedestrian along the course of the roadway. When a pedestrian is detected along the course of the roadway, the display is adjusted so that the driver can clearly see that the pedestrian is present.).

Regarding **claim 14**, the at least one object includes at least one of at least one other motor vehicle and at least one pedestrian (column 7, lines 63-67).

As for **claim 15**, the at least one processing unit includes an arrangement for controlling the at least one signaling arrangement as a function of at least one of a dangerousness of a driving situation (The entire Ishii reference shows that the display (signaling arrangement) is controlled as a function of a visibility condition for the driver.).

As for **claim 17**, the item of driver information represents at least one object including at least one of at least one other motor vehicle, at least one pedestrian, and the course of the roadway (Figures 7-12).

Regarding **claim 18**, the item of driver information includes at least one of at least one light pulse, at least one warning symbol, at least one image marking, at least one segment of an image, at least one acoustic signal, and at least one haptic signal (Figures 7-12 show at least one segment of an image.).

Regarding **claim 19**, at least one infrared radiation source for illuminating at least a part of the surrounding environment, acquired by the at least one infrared-sensitive image sensor system, of the motor vehicle (column 1, lines 35-41 and column 2, lines 1-8).

As for **claim 20**, the at least one signaling arrangement includes one of at least one acoustic signaling arrangement and at least one optical signaling arrangement corresponding to at least one of at least one head-up display, at least one display screen, and at least one haptic signaling arrangement (column 6, lines 43-55).

As for **claim 21**, the claim is interpreted and rejected using the same reasoning as the claims above. It is inherent that the method steps are present in the invention disclosed by Ishii et al.

As for **claim 22**, the claim is interpreted and rejected using the same reasoning as any one of claims 12, 14, 15 and 17-20 above.

As for **claim 23**, the claim is interpreted and rejected using the same reasoning as claims 22 and 14 above.

As for **claim 24**, Ishii discloses that the invention is executed via a computer program encoded on a computer readable medium (column 6, line 62 – column 7, line 4).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al as applied to the claims above, and further in view of Kojima [US 6327522 B1].

Regarding **claim 16**, Ishii does not disclose an auxiliary sensor device for obtaining data related to the detected object. In an analogous art for providing visual assistance to a motor

vehicle operator, Kojima discloses at least one sensor including at least one of at least one radar sensor, at least one ultrasonic sensor, and at least one LIDAR distance sensor, wherein: at least one processing unit includes an arrangement for carrying out the recognition of at least one object as a function of a signal of the at least one additional sensor (distance detection means; column 1; lines 45-67). Since both references teach a system for vision assistance in a motor vehicle, it would have been obvious to one possessing ordinary skill in the art to try additional sensors in the invention of Ishii, as suggested by Kojima, to yield the predictable results of a system wherein a driver would be provided with a warning of an obstacle ahead of the vehicle and also auxiliary information such as the distance to the detected obstacle. This information would allow the driver to take the necessary steps to avoid colliding with the object.

Allowable Subject Matter

7. Claims 25-33 are allowed.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC M. BLOUNT whose telephone number is (571)272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin C. Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric M. Blount/
Examiner, Art Unit 2612

Eric M. Blount
Examiner
Art Unit 2612